

Remarks

Careful consideration has been given to the official action received January 2, 2008 and it is respectfully submitted that the amendatory action which has been taken places the application for allowance.

Claims Objection

Claim 1 Smull does teach some of the limitations expressed in claim 1 of the invention by Low. However regarding a “water detection means”, Smull’s water detection means is in the bilge area whereas Low incorporates the water detection at the output of the bilge pump system. These are 2 completely different uses of water detection. Smull uses water detection to detect high water while Low detects water at the output of the bilge system as an indication that the bilge system is working. This requires an combination of pump on status and water detection after a certain timing. [This is clearly different than the Smull patent.

Claim 2 Smull does not combine the on/off state of the pump with the high water sensor 15 as stated in the argument. This would make no sense. Low combines these two signals along with a delay to indicate that the bilge system has a failure. Again the water sensor 15 of Smull indicates that high water detected inside the bilge. While the Water sensor of Low is used to indicate that water is being pumped out of the system whether the water in the sump or bilge area.

Claim 4 The water detection defined in Smull (15) is a high water detector and is used to alert the water is too high in the sump. The water detection in the Low patent is a detector at the exit of the sump pump system indicating that water is exiting the system. The Low invention does not indicate high water in the sump or bilge area.

Claim 5 The optional capacity alert in the Low invention is not the same as the Smull patent in col 6II.49-53. Smull alerts if the number of pump cycles exceed a predefined threshold. The Low invention in claim 5 alerts if one pump cycle is too long indicating a large leak that should be fixed immediately. Both are useful but depict different functionality.

Regarding the Mcpherson invention; Mcpherson uses the water detection at the output of the pumping system similar to Low. However, Mcpherson does not combine the on/off state of the system along with a timer to indicate that the health of the bilge pump system.

If Smull added the Mcpherson detector, it would alarm each time the pump turned off. Moreover it would alarm during the time period that water is filling the bilge pumping pipes resulting in an annoying false alarm.